

## REMARKS

This is in response to the Decision on Appeal dated June 19, 2006 ("the Decision"). The Decision reversed the Examiner's final rejection of claims 1-8 under 35 U.S.C. §103.

The Decision contained a new ground of rejection pursuant to 37 C.F.R. §41.50(b). The Decision rejected claims 1-8 under the second paragraph of 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More particularly, the Decision objected to the following limitation of claim 1:

comparing said measures of network health to a threshold value and selecting a restoration route from a plurality of stored restoration routes

because it was unclear whether all the measures are compared to the same threshold value or each measure is separately compared to a different value.

In response, Applicant has amended independent claim 1. The claim limitation in claim 1 which gave rise to the §112 rejection has been amended to read:

selecting a restoration route from a plurality of stored restoration routes based on said measures of network health.

Thus, the amendment removes the uncertainties identified in the Decision.

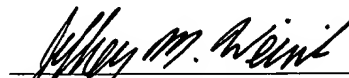
Independent claim 5 contained a similar limitation, and has been amended in a manner similar to that of claim 1.

This amendment is made pursuant to 37 C.F.R. §41.50(b)(1). Applicant requests that this application be remanded to the Examiner for further consideration of this application.

App. No. 09/643,473

Allowance of all pending claims is requested.

Respectfully submitted,



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